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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/829,830	04/10/2001	Michael J. Betz	P00525-US-0 (18217.0001)	1077

7590 03/20/2003

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EXAMINER	
HARRIS, CHANDA L	

ART UNIT	PAPER NUMBER
3714	

DATE MAILED: 03/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/829,830	BETZ ET AL.
	Examiner	Art Unit
	Chanda L. Harris	3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 December 2002* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Status of Claims

In response to the Amendment filed on 12/23/02, Claims 1-30 are pending.

Specification

The Abstract is limited to 250 words. Appropriate correction is required.

Claim Rejections - 35 USC § 112

Claims 25 and 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not clear what exactly Applicant means by "immediately." In the specification (p.7, line 16-18), Applicant discloses generating a lesson completion record upon completion of a lesson. Also, in the specification (p.22, lines 23-26), Applicant discloses generating a completion record immediately following completion of the course. Does "immediately" mean upon completion of a course?

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in-
> (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the

treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claims 1-4, 7-19, 21-25, and 27-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Linton (US 6,282,404).

1. [Claims 1-2, 14, 16-17, 22-24]: Regarding Claims 1-2, 14, 16-17, and 22-24, Linton discloses an educator provider system for transmission of at least one interactive lesson comprising an audio file such that when the at least one lesson is transmitted over the network means from the educator provider system to the at least one student system, the presentation of the at least one lesson is controlled by an audio controlling means (e.g. RealPlayer™) based on the received audio (via instructional materials); wherein at least one lesson comprises a plurality of presentations, at least one of the plurality of presentations having at least one audio file associated therewith; and a video controlling means (e.g. RealPlayer™) for controlling presentation of the lesson based on the received at least one video file. See Col.6: 5-15. Linton discloses at least one student system capable of receiving the at least one lesson and presenting the at least one lesson to at least one student and wherein the educator provider system is capable of generating the at least one lesson. Col.6: 58-66. Linton discloses a network means for connecting the educator provider system with the at least one student system in bi-directional communication. See Col.7: 7-15. Linton discloses controlling the pace of the presentation of the received lesson at the student system and controlling the pace

(e.g. cueing) of the presentation of the received lesson with the received audio file. See Col.8: 11-29.

2. [Claims 3-4]: Regarding Claims 3 and 4, Linton discloses an education authority system connected to network means and an education authority system capable of generating the at least one lesson. See Col.5: 35-46.

3. [Claims 7, 21, 27-29]: Regarding Claims 7,21, and 27-29, Linton discloses wherein the educator provider system includes means for generating a course completion record for transmission over the network means to the education authority system. See Col.9: 37-49 and Col.10: 25-34.

4. [Claim 8]: Regarding Claim 8, Linton discloses wherein the network means comprises a global network. See Col.5: 16-20.

5. [Claim 9]: Regarding Claim 9, Linton discloses wherein the global network comprises the Internet. See Col.6: 16-18.

6. [Claim 10]: Regarding Claim 10, Linton discloses wherein the at least one student system comprises an Internet browser. See Col.6: 2-5.

7. [Claim 11]: Regarding Claim 11, Linton discloses wherein the audio controlling means comprises a browser plug-in suitable for use in streaming audio content over the Internet. See Col.6: 8-15.

8. [Claims 12-13]: Regarding Claims 12 and 13, Linton discloses means for interrupting (i.e. pause), means for tracking the point at which the at least one lesson was interrupted, and means for resuming the interrupted lesson at such recorded point. See Col.8: 22-24.

9. [Claim 15]: Regarding Claim 15, Linton discloses wherein the at least one of the plurality of presentations comprises a test for the student. See Col.5: 46-50.

10. [Claim 19]: Regarding Claim 19, wherein the lesson completion record includes a unique course instance identifier is considered to be an inherent feature of Linton's invention. See Col.9: 46-49.

11. [Claim 25]: Regarding Claim 25, Linton discloses immediately transmitting the lesson completion record (i.e. display of whether an assignment has been verified or completed) from the educator provider system to the student system (e.g. via e-mail) on which the lesson was completed, upon the completion of the lesson. See Col.10: 21-34. It would have been an inherent feature of Linton's invention that completion record would be transmitted upon completion of the lesson.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 5-6, 20, 26, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Linton in view of Papadopoulos (US 6,099,320).

[Claim 5-6, 20, 26, 30]: Regarding Claims 5-6, 20, 26, 30, Linton does not disclose

expressly means for generating and printing an electronic certificate and granting course credit to the student. However, Papadopoulos teaches such in Col.8: 59-67. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the aforementioned limitation into the method and system of Linton, in light of the teaching of Papadopoulos, in order to verify completion of a course.

Claims 18 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Linton in view of Sonnenfeld (US 6,112,049).

[Claims 18,28]: Regarding Claims 18 and 28, Linton does not disclose expressly certifying that the required amount of time was spent on the lesson (i.e. section). However, Sonnenfeld teaches such in Col.6: 55-56. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the aforementioned limitation into the method and system of Linton, in light of the teaching of Sonnenfeld, in order to insure that a student spent sufficient time on a lesson.

Citation of Pertinent Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Alling (US 2002/0051962)

  -virtual training

- Freeman et al. (US 6,301,462)

  -online collaborative apprenticeship

- Samph et al. (US 5,195,033)

  -issuing a certification upon successful completion of the test

- Shende et al. (US 6,341,212)

  -certifying information technology skill

- Huang (US 2001/0039003)

  -global distance learning system

Response to Arguments

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chanda L. Harris whose telephone number is 703-308-8358. The examiner can normally be reached on M-F 6:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

ch.
March 13, 2003

S. THOMAS HUGHES
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700